

AMENDED IN ASSEMBLY JUNE 3, 2015

AMENDED IN SENATE APRIL 14, 2015

**SENATE BILL**

**No. 142**

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**Introduced by Senator Jackson**

January 26, 2015

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An act to add Section 1708.83 to the Civil Code, relating to civil law.

LEGISLATIVE COUNSEL'S DIGEST

SB 142, as amended, Jackson. Civil law: unmanned aerial vehicles.

Existing federal law, the FAA Modernization and Reform Act of 2012, provides for the integration of civil unmanned aircraft systems, commonly known as drones, into the national airspace system by September 30, 2015. Existing federal law requires the Administrator of the Federal Aviation Administration to develop and implement operational and certification requirements for the operation of public unmanned aircraft systems in the national airspace system by December 31, 2015.

Existing law imposes liability for physical invasion of privacy, if a person knowingly enters onto the land of another without permission or otherwise commits a trespass in order to capture any image or recording of the plaintiff engaging in a private activity and the invasion is offensive to a reasonable person.

This bill would define knowing entry upon the land of another also to include operation of an unmanned aerial vehicle below the navigable airspace overlaying the real property or operation of an unmanned aerial vehicle less than 350 feet above ground level within the airspace overlaying the real ~~property~~. *property, without the consent of the landowner or without legal authority.*

Existing law deems the detriment caused by wrongful occupation of real property to be the value of the use of the property for the time of the wrongful occupation, the reasonable cost of repair or restoration of the property, and the costs of recovering the possession.

This bill would extend liability for wrongful occupation of real property and damages to a person who ~~without permission~~ operates an unmanned aerial vehicle below the navigable airspace overlaying the real property or operation of an unmanned aerial vehicle less than 350 feet above ground level within the airspace overlaying the real ~~property~~. *property, without the consent of the landowner or without legal authority.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 1708.83 is added to the Civil Code, to  
2     read:  
3     1708.83. (a) A person knowingly enters onto the land of  
4     another person pursuant to subdivision (a) of Section 1708.8 ~~if if,~~  
5     *without the consent of the landowner or without legal authority,*  
6     he or she does either of the following:  
7     (1) Operates an unmanned aerial vehicle below the navigable  
8     airspace, as defined in paragraph (32) of subsection (a) of Section  
9     40102 of Title 49 of the United States Code, overlaying the real  
10    property.  
11    (2) Operates an unmanned aerial vehicle less than 350 feet above  
12    ground level within the airspace overlaying the real property.  
13    (b) A person wrongfully occupies real property and is liable for  
14    damages pursuant to Section 3334 if, ~~without permission, the~~  
15    *consent of the landowner or without legal authority,* he or she does  
16    either of the following:  
17    (1) Operates an unmanned aerial vehicle below the navigable  
18    airspace, as defined in paragraph (32) of subsection (a) of Section  
19    40102 of Title 49 of the United States Code, overlaying the real  
20    property.  
21    (2) Operates an unmanned aerial vehicle less than 350 feet above  
22    ground level within the airspace overlaying the real property.  
23    (3) *This section shall not be construed to impair or limit any*  
24    *otherwise lawful activities of law enforcement personnel or*

1 *employees of governmental agencies or other public or private*  
2 *entities that may have the right to enter land by operating an*  
3 *unmanned aerial vehicle within the airspace overlaying the real*  
4 *property of another, including the right to use private lands*  
5 *acquired pursuant to subdivision (d) of Section 1009.*

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